

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison  
Company (U 338-E) for Approval of Fuel  
Hedging Cost Recovery.

Application 02-03-016  
(Filed March 13, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING ON  
TURN'S ELIGIBILITY TO CLAIM COMPENSATION**

**Notice of Intent**

The Utility Reform Network (TURN) filed a Notice of Intent (NOI) to claim compensation in this proceeding, pursuant to § 1804 of the Pub. Util. Code.<sup>1</sup>

To be found eligible to claim compensation, the NOI must be filed within 30 days after a Prehearing Conference (PHC) is held and served on all parties to the proceeding. The NOI must identify the customer category for which the party seeks eligibility, provide a statement of the nature and extent of planned participation in the proceeding, provide an itemized estimate of the compensation it expects to request, and may demonstrate the existence of a significant financial hardship.

There was no filed opposition to TURN's NOI to claim compensation.

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<sup>1</sup> All statutory references are to the Public Utilities Code unless otherwise stated.

### **Prehearing Conference**

A PHC was held in this proceeding on May 30, 2002. TURN filed its NOI on July 1, 2002, the first business day after the 30<sup>th</sup> day after the PHC, and served a copy on all parties of record. Hence, TURN has satisfied this requirement.

### **Customer Category**

Pursuant to Decision (D.) 98-04-059<sup>2</sup>, a party seeking eligibility to claim compensation must identify the percentage of its membership that are residential ratepayers and demonstrate whether the party is a participant representing customers<sup>3</sup>, a representative authorized by a customer, or a representative of a group of organization.

TURN, a nonprofit consumer advocacy organization, is a group or organization authorized pursuant to its articles of organization and bylaws to represent the interests of residential and small commercial customers. A copy of the relevant portions of its articles of organization is attached to its March 2, 2000 NOI filed in Southern California Edison Company's Application (A.) 99-12-024.

TURN does not poll its members in a manner that would allow a precise percentage breakdown between residential and small business members. However, TURN represents that the vast majority of its 30,000 dues-paying members are residential ratepayers.

TURN is a customer as defined by §1802(b) and has satisfied the customer criteria set forth in D.98-04-059.

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<sup>2</sup> RE: Rulemaking and Investigation into the Intervenor Compensation Program, D.98-04-059, mimeo, pp. 83 and 88, (1998).

<sup>3</sup> The term customer is defined in §1802(b).

### **Planned Participation**

Although TURN has not yet determined whether it will participate, it is monitoring this proceeding. Upon its determination to participate, TURN will conduct discovery, prepare testimony, defend its testimony in hearings, cross-examine witnesses, and file briefs, comments and other pleadings, as necessary. TURN's participation will focus on the reasonableness of Southern California Edison's \$208 million in hedging expenses.

TURN has satisfied the planned participation criteria set forth in §1804(a)(2)(A)(i) of the Pub. Util. Code.

### **Estimated Compensation Request**

TURN submitted an itemized estimate of the compensation it expects to request for its participation in the proceeding. TURN will provide time records, expense records and justification for its hourly rates in a request for an award of compensation, if it eventually files one. The total amount of its estimated request is \$59,500, as detailed below.

| Category                          | Hours | Rate  | Total    |
|-----------------------------------|-------|-------|----------|
| Marcel Hawiger                    | 160   | \$200 | \$32,000 |
| Michael Florio                    | 40    | \$350 | \$14,000 |
| Consultant<br>Expenses/JBS Energy |       |       | \$10,000 |
| Other Direct Expenses             |       |       | \$ 3,500 |
| Total                             |       |       | \$59,500 |

TURN has filed a reasonable estimate of its expected compensation in this proceeding, pursuant to §1804(a)(2)(A)(ii).

### **Significant Financial Hardship**

TURN seeks a finding that its participation will pose a significant financial hardship, as defined in §1802(g). In support of its request, TURN demonstrated that it received a significant financial hardship finding in PG&E's A.01-09-003 on

December 19, 2001. That finding of significant financial hardship created a rebuttal presumption of eligibility for compensation in other Commission proceedings commencing prior to December 19, 2002, pursuant to §1804(b)(1)(a). Because this proceeding commenced with the filing of this application on March 13, 2002 and prior to the expiration of TURN's rebuttal presumption of eligibility, a presumption of significant financial hardship exists for TURN. Absent any filed objection, a presumption of significant financial hardship exists for TURN in this proceeding.

**IT IS RULED** that:

1. The Utility Reform Network (TURN) timely filed a Notice of Intent for compensation in this proceeding.
2. TURN is a customer as defined by §1802(b).
3. TURN has provided an adequate description of its planned participation in this proceeding.
4. TURN has provided a reasonable estimate of its expected compensation in this proceeding.
5. TURN is eligible to file a claim for compensation in this proceeding.
6. TURN has demonstrated a rebuttal presumption that it will face a significant financial hardship in this proceeding. This rebuttal presumption continues to exist for TURN in other proceedings that commence prior to December 19, 2002.

Dated July 12, 2002, at San Francisco, California.

/s/ MICHAEL J. GALVIN

Michael J. Galvin  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on TURN's Eligibility to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated July 12, 2002, at San Francisco, California.

/s/ JACQUELINE GORZUCH  
Jacqueline Gorzoch

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.